



**STATE OF MONTANA  
DEPARTMENT OF CORRECTIONS  
POLICY DIRECTIVE**

Policy No. DOC 1.3.8	Subject: <b>EMPLOYEE LEAVE AND ABSENCES</b>
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Section 3: Human Resource Bureau	Effective Date: Sept. 1, 1996
Signature: /s/ Mike Ferriter, Director	Revised: 03/08/01; 09/28/10

**I. POLICY**

The Department of Corrections administers employee leave and absences consistent with state statutes, administrative rules, and appropriate provisions of the Montana Operations Manual (MOM).

**II. APPLICABILITY**

All Department employees.

**III. DEFINITIONS**

None.

**IV. DEPARTMENT DIRECTIVES**

**A. Applying for Leave**

1. Department employees who wish to apply for any type of leave must request it from their immediate supervisors.
2. Supervisors must approve or deny requests for leave in writing. E-mail responses are acceptable.

**B. Types of Leave**

1. Annual Vacation Leave

Annual vacation leave will be accrued and administered in compliance with *MOM 3-0305*: <http://hr.mt.gov/hrpp/policies.mcp>

2. Sick Leave

Sick leave will be accrued and administered in compliance with the provisions of this policy and *MOM 3-0310*: <http://hr.mt.gov/hrpp/policies.mcp>

- a. employees required to provide medical documentation/release associated with the use of sick leave must provide such documentation with enough information to substantiate the use of sick leave;
- b. the supervisor will approve sick leave requests for physician/licensed practitioner appointments in advance, unless the appointment is of an emergency nature. Twenty-four to forty-eight hours is a reasonable amount of advance notice for a non-

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emergency appointment. The amount of sick leave approved for an appointment will be based on the type of appointment and the geographical location; and

- c. employees who fail to request sick leave as required by the provisions of this policy and *MOM 3-0310* will be denied the use of paid leave for the day(s) in question and will be subject to progressive disciplinary action unless the failure to request leave is attributable to circumstances beyond the employee's control.

### 3. Parental Leave

Parental leave will be administered in compliance with *MOM 3-0312*:

<http://hr.mt.gov/hrpp/policies.mcpix>

### 4. Disability and Maternity Leave

Disability and maternity leave will be administered in compliance with *MOM 3-0315* and *ARM 24.9.1201*, *Maternity Leave Rules*: <http://hr.mt.gov/hrpp/policies.mcpix>

<http://www.mtrules.org/gateway/ruleno.asp?RN=24%2E9%2E1201>

### 5. Disaster and Emergency Leave

Disaster and emergency leave will be administered in compliance with *MOM 3-0320*:

<http://hr.mt.gov/hrpp/policies.mcpix>

### 6. Military Leave

Military leave will be accrued and administered in compliance with *MOM 3-0309*, *FMLA*, *USSERRA*, *MTSERRA* and the *State of Montana Military Leave Guide*:

<http://hr.mt.gov/hrpp/policies.mcpix>

**DOA FMLA Guide & Paid Military Leave in Montana Guide:**

<http://hr.mt.gov/content/hrpp/docs/Guides/FMLAGuide.doc>

### 7. Jury Duty and Witness Leave

Jury duty and witness leave will be administered in accordance with *MOM 3-0322*:

<http://hr.mt.gov/hrpp/policies.mcpix>

### 8. Holidays and Holiday Pay

Holidays, holiday benefit and holiday pay will be administered in accordance with *MOM 3-0325*: <http://hr.mt.gov/hrpp/policies.mcpix>

### 9. Leave of Absence without Pay

Leave of Absence without Pay will be administered in compliance with the provisions of this policy and *MOM 3-0330*: <http://hr.mt.gov/hrpp/policies.mcpix>

- a. a leave of absence without pay may be granted until after all other appropriate earned leave has been exhausted. An employee may not be required to use annual leave or FLSA compensatory time for an illness. A leave of absence without pay may be granted for good and sufficient reason, such as extended illness, family emergency, or continuing education of benefit to the Department.

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#### 10. Family Medical Leave Act (FMLA)

FMLA will be administered in compliance with *MOM 3-0309*, Family and Medical Leave Guidelines for Montana State Government Employees and FMLA Federal Regulations Part 825: <http://hr.mt.gov/hrpp/policies.mcpix>

#### **DOA FMLA Guide & Paid Military Leave in Montana Guide:**

<http://hr.mt.gov/content/hrpp/docs/Guides/FMLAGuide.doc>

#### 11. Weekend Drills

Time off for weekend training drills with the military will normally be provided. Military reserve employees will give their supervisors their annual schedule of drills in October of each year. The supervisor will schedule a military reserve employee off for those drills whenever possible. If a conflict arises, the supervisor will work with the employee and the military company commander requesting the employee have an opportunity to "make up" the scheduled drill. If an acceptable alternative cannot be found, time off for a weekend training drill, or for an emergency that requires the services of the employee, may be denied.

#### 12. Tardiness

As a condition of employment, all nonexempt employees are expected to arrive at work promptly when scheduled. Excessive tardiness may be cause for disciplinary action up to and including termination. If an employee realizes that due to an unavoidable situation he or she will be late for work, the employee has an obligation to notify the supervisor.

### **V. CLOSING**

Provisions of this policy not required by statute will be followed unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

Questions concerning this policy should be directed to the employee's immediate supervisor.

### **VI. REFERENCES**

- A. 3-0305, -0309, -0310 -0312, -0315, -0320, -0322, -0325, -0330; *Montana Operations Manual (MOM)*
- B. 24.9.1201; *Administrative Rules of Montana (ARM)*
- C. *FMLA, USSERRA, MTSERRA and the State of Montana Military Leave Guide*
- D. *FMLA Federal Regulations Part 825*

### **VII. ATTACHMENTS**

None.